



TOWN OF AMENIA

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PLANNING BOARD MEETING THURSDAY, JULY 18, 2013

PRESENT: Chairwoman Nina Peek
Norm Fontaine
Peter Clair
Larry Moore
Nathan Roy

ABSENT: James Walsh
Tony Robustelli

MOTION TO OPEN THE PLANNING BOARD MEETING OF JULY 18, 2013 was made by Peter Clair, seconded by Nathan Roy

VOTE TAKEN - MOTION CARRIED

Public Hearing:

Shope

Lot Line Adjustment

**78 Sinpatch Road
Wassaic, NY**

MOTION TO OPEN THE PUBLIC HEARING FOR SHOPE LOT LINE ADJUSTMENT was made by Peter Clair, seconded by Nathan Roy

VOTE TAKEN - MOTION CARRIED

There were no public comments.

MOTION TO CLOSE THE PUBLIC HEARING was made by Peter Clair, seconded by Nathan Roy

VOTE TAKEN - MOTION CARRIED

The Planning Board received the referral from Dutchess County Planning indicating that the Shope Lot Line adjustment was a matter of local concern. Dave Everett will draw up the resolution for review and discussion at the August 1, 2013 Planning Board meeting.

MOTION TO OPEN THE REGULAR MEETING OF THE PLANNING BOARD was made by Larry Moore, seconded by Nathan Roy

VOTE TAKEN - MOTION CARRIED

Schneider Timber Harvest

Site Plan

**6 Old Ore Bed Road
Amenia, NY**

Greg DeSylva presented an over-view of the proposed timber harvesting project on Old Ore Bed Road. The site is approximately 74 acres and proposes to apply for NYS 480-a tax credits under the NYS Forest Tax Law Program. Six percent of the total value (as determined by the NYSDEC Forester) of the timber that is harvested will be paid for local taxes to make up for the tax exemption they have received over the years for keeping it in conservation. Mr. DeSylva noted that the property has been in the 480-a program since the inception of the program in 1983, though the timber has never been harvested. Most of the lumber is scattered throughout the project site, however there are a few areas that are concentrated. The New York State DEC approved the plan for harvest on June 25, 2013. The property owners are deceased, so their daughters are managing the estate and the property is under trust. Hudi Podolsky is the trustee that is taking care of this project. The other trustee is Aviva Schneider and she authorized her sister Hudi (Yehudith) Podolsky to take act on her behalf. Nathan Roy asked if the State forced them to have this property logged. Mr. DeSylva stated under the 480-a program the timber crop must be harvested within 30 years. This is a selective harvest done by NYSDEC guidelines. Nathan Roy asked if this would be selective clearing and whether erosion control measures would be implemented due to the fact that this is the headwater for the creek that runs through Town - Arrowhead Crystal Lake. Mr. DeSylva stated the creek itself is not going to be crossed by any machinery.

Chairwoman Peek stated that the Zoning Code requires Site Plan Approval for timber harvesting applications, however the Planning Board can waive some Site Plan requirements that are not applicable for a timber harvesting application. The Application submitted by Mr. DeSylva was substantially complete and the Planning Board will refer this matter to our Forester, Doug Ramey for his review, which we expect to receive on July 31, 2013. Ms. Peek went on to say that the Board cannot waive performance guarantees to insure proper erosion controls,

reforestation, maintenance of on-site roads, and protection of all site roads from damage resulting from timber harvesting and storm water run-off and trucking of timber. Mr. Ramey knows this and will write a report back to the Planning Board evaluating the proposal. Mr. DeSylva affirmed that the log skidders will not cross the stream at all. Ms. Peek asked how the skidders would enter the property. Mr. DeSylva stated they would be brought in on flat-bed truck up the driveway. West of the stream, the trees will be pulled out and loaded west of the stream; on the east side of the stream the trees will be going out Ore Bed Road. Ms. Peek asked whether the culverts were clear and clean. Mr. DeSylva stated yes.

In Exhibit 3 shows the logging access road on the east side of the Reagan property. The Reagan's are relatives of the Schneider's. Nathan Roy asked which way the logs will go when they reach Route 44. Mr. DeSylva stated they couldn't tell now, because the timber would be marked, inventoried then will go out for bid. Ms. Peek asked when the operation would start and how many trucks per day. Mr. DeSylva stated they would probably start after September 30 for possibly two months and would be about 2 trucks per day. On Exhibit 3 one logging area designated by "L" is on the Reagan property to the left of Ore Bed Road and the other logging area is further up the road branching off to the east of Arrowhead Lake. Nathan Roy asked what the two structures were in Exhibit 3. Mr. DeSylva stated south of Arrowhead Lake is the Reagan home and Schneider guest house. Mr. DeSylva continued they will put in water bars to prevent erosion, the skid trails run north and south and the hill runs north and south. It is not very steep on the Schneider property, nor are there any big hills on either property. East of the Schneider home are slag piles from the Ore beds. Mr. DeSylva noted that there will be selective cutting of trees marked according to stand prescriptions required and approved by the DEC under the 480-a Forest Tax Law program. Harvesting will be permitted between September 20, 2013 and April 30, 2014.

Ms. Peek asked what percent of the forest will be harvested and whether there is a limit to the amount, size or percent of trees to be harvested at one time. Mr. DeSylva stated that the NYSDEC Stand Analysis addresses this limitation. It is not the number of trees, it is the density. Stand 1 is 330 trees per acre; Stand 2 is 105 trees per acre and Stand 3 is 253 trees per acre so it averages out to about 220 trees per acre and 64 acres. The whole job would include about 400 trees. The parcel is 74 acres however 10 acres are open, 64 acres are wooded, which will be harvested. There are black oak, cherry, hickory, red maple, red oak, black birch and veneer stock. Ms. Peek stated Mr. DeSylva will get together on July 30, 2013 with Doug Ramey, who will prepare a report. The Planning Board requires Doug Ramey's report and sign-off to proceed. Mr. DeSylva will be on the August 1, 2013 meeting. Escrow of \$1000. will be mailed to the Planning Board Secretary. Norm Fontaine asked if the property line was visible from Four Brothers. Mr. DeSylva stated no.

Ms. Peek stated Mr. Adams couldn't come tonight. The Planning Board members have a copy of the proposed signage, which will be sent to Julie Mangarillo for her comments. Larry Moore asked if it would be LED display. Ms. Peek stated in the application it says LED or Manual Letter. This will need clarification from Mr. Adams. If anyone on the Board has specific questions that you would like Ms. Mangarillo to incorporate in her memo, just email them to her. Norm Fontaine asked if they would be in compliance with everything else. Ms. Peek stated no. Mr. Fontaine went on to ask if we should be approving the sign if they are not in compliance. Ms. Peek stated the Board can't hold them up even though they are in violation of some of the conditions of their 2004 Site Plan Approval. The violations range from zoning code issues to conditions of their Zoning and Site Plan Approval including – no outdoor storage of merchandise, the falling down fence by the gas pumps, sale of firewood and they can only cover 25% of their windows with signage, however we cannot hold up this approval. John Fenton has already issued violations on the other things, but advised Mr. Adams that resolution of the signage issue would show a good faith effort toward remediation of their violations, and therefore delay a notice to appear in court. Julie Mangarillo will look this over and get back to us with her comments.

OTHER MATTERS:

Silo Ridge (now called Stone Leaf Partners) met July 9, 2013 – invited attendees included: Nina Peek, Mike Dignacco, Steven Garofalo, Juan and Pedro Torres, Michael Klemens, Mary Ann Johnson (by phone), Julie Mangarillo, Dave Everett. Although not invited to the meeting, Bill Flood showed up at the end of the meeting. Stone Leaf has a new consultant team who are preparing a revised conceptual plan, smaller in scale and scope than the one that was approved. The applicant did not provide any detail as to what had been changed. There will be another meeting August 2nd with Stone Leaf's whole consultant team.

It was Ms. Peek's understanding that the Planning Board agreed to let Planning Board consultant's meet directly with Stone Leaf's consultants (not at Planning Board meetings) so they can sort out some issues. Ms. Peek asked if everyone was still OK with that process. The Planning Board confirmed that this was acceptable. For now, the Applicant wishes to present their Conceptual Plan to the Planning Board consultants only, and get their direct feedback before they issue a Site Plan approval package to the Planning Board. In addition, the revised Plans must be in compliance with the Statement of Environmental Findings.

Ms. Peek asked Stone Leaf to come to the Planning Board, and make a brief formal public statement indicating that they will be moving forward with the project. However, the Applicant preferred not to make a public statement at the Planning Board.

Because this is a public process, Ms. Peek reiterated the importance of the Applicant presenting their intentions at a Planning Board meeting, rather than only meeting privately with the Planning Board's consultants. By only meeting in private, it may appear that Stone Leaf is making agreements with the Planning Board Consultants without the Board knowing what is going on. Nathan Roy felt it is wiser to keep the Board informed and Norm Fontaine felt that we keep getting information that is being developed, it becomes confusing. Ms. Peek reiterated again she felt it was important that Silo should come before the Board and say they are starting. The fiscal impact is going to be dramatically different than the original plan. They are building a much smaller hotel so revenue generated out of that is significantly less than what was projected. Less property tax revenue will come to the Town. The Environmental Findings Statement and the Special Permit Conditions, detail their commitments. It is likely that supplemental studies will be required; there could be less traffic, but also less money, etc. The SPO was remapped after the SEQRA determination for the Silo Ridge Project. Additional property is in the SPO however parts of it that were in it are now not. The conditions of the Findings require landscaping that all but obscures the proposed structures, and requires an additional confirmatory visual impact analysis during site plan review. Ms. Peek felt they need to come before the Board in a Public Forum so it is recorded in the minutes and say they are again starting the process with the Planning Board consultants, and then they will come back after the issues have been sorted out. Norm Fontaine would like to wait to hear from Silo when they have something solid to say. Ms. Peek continued just because one of the Planning Board consultant's signs off on something, which does not mean that the Planning Board will.

The consultant's that will meet with Stone Leaf and their consultants are Mary Ann Johnson, Michael Klemens, George Janes, Julie Mangarillo and Dave Everett. The Applicant has a new engineer, a new Master Planner, a new lawyer and Stone Leaf is a new holding company that was formerly Millbrook Ventures. There is a new finance partner from California. Ms. Peek asked if any of the Planning Board members would like to attend on August 2nd. Ms. Peek is going and there can only be two other Board members in attendance. Nathan Roy and Norm Fontaine would like to attend. Michael Dignacco will send out minutes from each of those meetings that will be shared with the rest of the Board. Peter Clair felt Silo should present to the Board what is going on, however Larry Moore felt it was interesting, but too much information gets confusing.

Ms. Peek went on to say that the Applicant has circulated a package of the approved documents. A copy of this package is on file with Susan. Moving forward they must make full submissions and meet the required deadlines. Ms. Peek also requested a matrix comparing the approved

project with the revised project. Dave Everett and Julie Mangarillo are up to speed and Mary Ann Johnson, George Janes and Michael Klemens were part of the original consultants on this project. Norm Fontaine asked about the golf course being private. Ms. Peek stated it would be private as will the entire community, which will be gated and closed to non-residents. The Applicant will also not be building excess wastewater treatment capacity for the Town non the project site. From the initial meeting, it seems that there will be little or no public use or benefit from this project at all. Since the hotel is going to be small, there will not be many jobs for the locals, and there will be no retail on site.

Norm Fontaine asked if they were using their own builders. Ms. Peek stated at this point, they are just providing a design and there was no information about the builders. Mr. Fontaine said it would be better for this happen than for nothing to happen. Peter Clair noted that if it falls into the hand of a non-profit, then you lose the tax base. Ms. Peek stated that statistics prepared by the NYS Comptroller's office evaluating the cost for parks and open space, showed that for every dollar of property tax revenue you get from a residential development the Town pays more than a dollar to service it. For every dollar you get from a farm or open space the Town pays significantly less than a dollar to service it. A big residential development could cost the Town more than if it remained a golf course. The ownership structure is proposed to be different, with more single family homes (in fee simple ownership), condos, or fractional ownership.

OTHER MATTERS:

MOTION TO APPROVE THE MINUTES FOR MARCH 7, 2013 AND JUNE 12, 2013 was made by Nathan Roy, seconded by Larry Moore

VOTE TAKEN - MOTION CARRIED

MOTION TO CLOSE THE PLANNING BOARD MEETING was made by Nathan Roy, seconded by Norm Fontaine

Respectfully submitted,



Susan M. Metcalfe
Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Amenia Planning Board from a meeting held on July 18, 2013 and are not to be construed as the final official minutes until so approved.

 X Approved as read 9/19/13
 Approved with: deletions, corrections, and additions